

REMARKS

1. Applicant would like to express his appreciation for the interview granted to the undersigned attorney and the Applicant, Joseph Hurlburt, and conducted on April 16, 2007, with Examiner M. Scott Lowe.

2. The Office Action has indicated that the amendments dated April 12 and 13, 2006 could not be entered since the form of the amendments did not comply with the rules for amending claims in a reissue application. Accordingly, Applicants have started the amendments to the claims above with respect to the status of the claims following the December 21, 2005 amendment, as noted in the Office Action. The above amendments to the claims have included the original, unamended claims from the original application for the convenience of the Examiner. All claims being amended have the status designator of "Amended" or "Twice Amended". New claims 43 – 46 have been identified with the status designator of "New" and the claims have been underlined as set forth in the rules. Deletions in the amended claims with respect to the original patent claims have been bracketed and additions have been underlined.

3. The Office Action has rejected Claims 1 – 5, 14, 24, and 43 – 46 under the provisions of 35 U.S.C. §102(b), as being anticipated by U. S. Patent No. 3,235,284 (Yant). More particularly, the Office Action states that Yant teaches a trailer that has a tilt pivot axis and a dump pivot axis about which the load bed is pivotable. The Office Action states that the term "yoke" as broadly stated in the claims must be construed as a connector. This rejection is respectfully traversed.

In response, Applicants respectfully submit that the Yant trailer cannot meet the specific limitations of independent Claims 1, 14 and 43, as amended. More specifically, Claim 1 has been amended to incorporate the limitations of Claim 2 and to specify that the locking device is operable to cause said bed frame to pivot about the selected one of said dump pivot axis and said tilt pivot axis. Yant does not contain both a connector apparatus and a locking device, and clearly does not teach or suggest a locking device that is operable to control which pivot axis the load bed will pivot about.

In independent Claim 14, the amendments define the yoke as having a pair of transversely spaced legs that depend downwardly from the connection of the yoke to the actuator to connect with the load bed on opposing sides of the actuator. Claim 43 was amended to delete the phrase, "being adapted for connection to a prime mover", as compared to the addition of this new Claim 43 submitted in the Preliminary Amendment. Furthermore, dependent Claim 44 was amended to delete the recitation of the first and second members. As discussed with Examiner Lowe during the aforementioned interview, Claim 43 defines a trailer that has both a locking mechanism that is associated with the bed frame, the tilt frame and the draft tongue, and also has an actuator in addition to the locking mechanism. Yant contains no teaching or suggestion for such a locking mechanism that is independent of the actuator.

For the reasons given above, Applicant respectfully submits that the independent Claims 1, 14 and 43 are now in condition for allowance. Applicant solicits the allowance of the dependent claims depending respectively from these independent claims.

Accordingly, for the reasons given above, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

4. The Office Action has rejected Claims 25, 26 and 37 under the provisions of 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 4,652,196 (Woerman). The Office Action states that Woerman teaches an actuator mechanism that includes a yoke to cause rotation of a load bed relative to a main frame. This rejection is respectfully traversed.

As discussed with Examiner Lowe during the aforementioned interview, the Woerman reference does not teach a trailer that has a load bed that pivots vertically relative to the main frame. The load bed or boom arms 28, as identified in the Office Action, pivot about longitudinally extending axes that are journaled in the main frame cross member 29. The extension of the hydraulic actuator in Woerman causes a rotation of the boom arms, but not a vertical pivoting relative to the main frame cross member.

Independent Claim 25 has been amended above to specify that the load bed is vertically pivotable about a transversely oriented pivot axis and that the actuator is supported on the frame about a transversely extending actuator pivot axis. The Woerman reference cannot meet or make obvious these specific claim limitations. Furthermore, independent Claim 37 has been amended to specify that the yoke has arms pivotally connected to the movable member on

opposing sides of the linear actuator along a transversely extending yoke pivot axis to effect vertical movement of the movable member. The Woerman reference does not teach or suggest that the arms are pivotally connected to the movable member on opposing sides of the actuator about a transversely extending yoke axis.

In view of the amendments made above, Applicant respectfully requests that this rejection be reconsidered and withdrawn and that these two independent claims, as well as the claims dependent thereon, be passed to allowance.

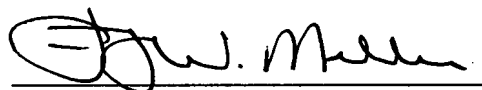
5. Applicant appreciates the indication of allowable subject matter in Claims 6 – 13, 15 – 23, 27 – 36, and 38 – 42. Applicant prefers to retain these claims in their dependent form and requests that these claims be passed to allowance with the amended independent claims from which they depend.

7. In summary, Claims 1, 3, 14, 25, 34, 36, 37, 43 and 44 have been amended, Claim 2 has been canceled, and Claims 1 and 3 – 46 remain in the application. Applicant believes that the claims are allowable based on the foregoing amendments. Applicant respectfully requests that all rejections be reconsidered and withdrawn and that all claims remaining in this case be allowed.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the undersigned attorney if in his judgment disposition of this application could be expedited or if he considers the case ready for final disposition by other than allowance.

Respectfully submitted,

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